

Motion to suspend Rules Committee investigation of Dave Cortese's EVP actions.

Recommendation:

Request the San Jose City Council to recommend the Rules Committee suspend the consideration of Councilmember Campos' request to investigate Dave Cortese's actions on prior EVP work until the current EEHVS task force work is complete, and recommendations have been forwarded and considered by the San Jose Planning Commission and City Council.

Background:

A June 15, 2006 memo from Councilmember Nora Campos to Lee Price, San Jose City Clerk, requests to agendaize an investigation of Dave Cortese's actions regarding the prior Evergreen Visioning Process task force.

The Evergreen East Hills Visioning Task Force has been meeting in one form or another since August 2003.

One year ago (June 2005), the City Council reconfigured the current EEHVS and proposed a Work Plan that had the EEHVS deliver a final recommendation for review and public hearing by various commissions in March / April 2006, the Planning Commission in May 2006 and the City Council in June 2006.

Due to several factors, none of which are related to Dave Cortese's previous actions on the EVP, the work plan has been delayed almost 5 months. The current work plan schedules the City Council consideration of the EEHVS recommendations in October 2006.

Due to the expected City Council summer break, it is not expected the EEHVS task force will meet again until September 2006.

Conclusion:

The current Task Force members are concerned that we have several major work activities left to be completed, and a very short period of time with which to complete them. In addition, there have already been several schedule delays and a loss of Task Force focus due to workload and scheduling conflicts. We believe any extraneous investigation into past activities which do not directly impact the current work plan, may cause additional impact on the schedule and Task Force members' focus.

Therefore, the EEHVS Task Force requests that any action, which may interfere with, or delay the completion of, or focus on the prescribed task be deferred until completion of the project.

May 8, 2006

Dear Task Force Members,

As you may know, I've asked the City Council to review some issues important to the EVP/EEVHS process. I know many of you may be concerned or upset by this action. I understand and appreciate your feelings.

We all have spent the last nine months working diligently toward implementing the work plan of the Task Force. I want to ensure that after our work is completed, it is above reproach.

My intent on asking the Council to review whether or not actions taken by Councilmember Cortese in 2005 violated the City Charter, and whether his comments at the May 17, 2005 Council meeting were purposefully misleading to the Council and public, is to have a full accounting of what transpired before the EEVHS Task Force was formed, and before it comes to the full Council in September 2006.

Councilmembers are prohibited by our City Charter from directing or interfering in the actions of City Staff. This Charter provision exists to ensure that the advice and recommendation of City Staff is objective and not influenced by any member of the Council. By "directing" staff on how to proceed with the Environmental Impact Report (EIR) for the project in March 2005, it appears that Councilmember Cortese crossed a very important line in our City government.

In addition to the potential Charter violation, a further concern of mine was the statement made so forcefully on the night of May 17, 2005 by Councilmember Cortese, saying that he did not meet with developers or their lobbyists in private. We have concerns about the truthfulness of this statement. The developers and their lobbyists acknowledge communicating with Councilmember Cortese both in private and through the Task Force process.

Our question must be: Why the different accounts? The Council must know if this action was taken by Councilmember Cortese because of any agreement reached with any other parties. My hope is that this is not the case.

I know many of you are asking, "why bring this up now?" The simple answer is to ensure that the issue doesn't come up later. Too often criticisms about major decisions the City Council makes are made either right before or right after a vote. It casts doubt on the decision, and I don't want that to happen here.

Please know that I do appreciate the work that has been put into the EVP/EEVHS processes. My desire is to get these questions answered now, so we can keep the process moving and protect the good work the task force has done to date.

Sincerely,

Nora Campos
Councilmember, District 5

Motion to retain Task Force Member Bob Levy past July 1, 2006

Recommendation:

Request the EEHVS retain Mr. Robert (Bob) Levy as a voting member of the Task Force, representing environmental concerns.

Request that the San Jose Planning Commission either retain Bob Levy as their liaison for the sole purpose to report back to them on actions and recommendations of the EEHVS Task Force, or appoint someone else who has been able to either follow or come up to speed on the issues discussed at the EEHVS meetings and to be decided by the Task Force.

Background:

One year ago (June 2005), the City Council reconfigured the current EEHVS and proposed a Work Plan that had the EEHVS deliver a final recommendation for review and public hearing by various commissions in March / April 2006, the Planning Commission in May 2006 and the City Council in June 2006. Due to several factors the work plan has been delayed almost 5 months. The current work plan schedules the City Council consideration of the EEHVS recommendations in October 2006.

When the City Council compiled the list of members to sit on the reconfigured EEHVS Task Force, they explicitly appointed Bob Levy as the Planning Commission liaison to the Task Force.

As of July 1, 2006, Bob Levy will no longer sit on the San Jose Planning Commission.

Bob is a member of the Sierra Club and is the founder and member of California League of Santa Clara County Conservation Voters. He is well known for representing environmental interests around the county.

There is a concern that any newly appointed member would not be able to familiarize themselves with the history and processes of the Task Force in time to make a meaningful contribution.

There is a concern that without Mr. Levy's participation, the concerns and viewpoint of the environmental community will no longer be adequately represented.

Conclusion:

The current Task Force members are concerned that we have several major work activities left to be completed, and a very short period of time with which to complete them. In addition, we are concerned that a well-rounded Task Force membership will not be maintained if we lose representation from our environmental community. We believe any unnecessary changes to the Task force membership may interfere with, or delay the completion of, or focus on the prescribed tasks before us.

We therefore recommend the retention of Mr. Bob Levy as a member of the EEHVS Task Force.

Request to Send Clarifying Status Memo to City Council

Recommendation:

Request a clarifying memo be set to the Mayor and City Council in response to Mr. Joe Horwedel's EEHVS status memo of April 27, 2006.

Background:

On April 27, 2006 the Acting Director of Planning, Building and Code Enforcement, Joe Horwedel sent an EEHVS progress memo to the Mayor and City Council. This memo detailed the work completed to date, and an interpretation of the outcome of the various workshops and discussions by the Task Force. It also suggested next steps to be considered and completed by the Task Force.

Task Force did not have an opportunity to review or comment on the memo before it was sent.

Upon release of this memo, individual Task Force members and members of the general public sent several memos to various members of the Planning Department, the EEHVS Chair and Vice-Chair and the City Council directly. Ostensively, these memos challenged at least some of the conclusions and summaries presented in Mr. Horwedel's status memo.

Conclusion:

The EEHVS Task Force requests that a clarifying memo be sent to the City Council with the following information and clarifications:

- The majority of comments and concerns expressed by members of the community throughout the outreach and general meeting process include a strong concern for the degradation of the overall quality of life that thousands of new homes and residents will have on existing infrastructure and services. This includes the loss of the opportunity to locate thousands of jobs in the Evergreen area, which may foster a more robust revenue base, and possible reverse commute for its residents.
- In regard to the "Trade-off" analysis; the Task Force requested that an analysis be completed which evaluates the amenities trade-off and funding outcome of 4100 homes as described in detail in the alternative proposal presented to the Task Force for consideration.
- Affordable housing would be considered at a minimum of 15% overall, with the desire to provide up to 18% overall, and spread to varying degrees among the four opportunity sites. Also, the Types of affordable units would vary from very low income to senior housing.
- The CFD would only be considered if the fees were prepaid by the developers, and not passed on to the buyers in any form of tax or lean.
- There is still a large concern the High School needs of existing and additional students will not be met with the current feedback from the HS district and developer recommendations.
- Once the funding and amenities equation is resolved, if funds become available from the federal or State budgets to construct the proposed road improvements and upgrades, the allocated money from the amenity fund will be diverted to other community projects within the EEHVS project area.